

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10361-NG
)
 JOHN HANDY)

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant, John Handy, moves this Court to allow U.S. Pretrial Services the discretion to permit him four hours a day for one week off of house arrest so that he may seek employment. As grounds for this motion, the defendant through counsel states the following:

1. The defendant is charged by indictment with being a felon in possession of a firearm in violation of 18 U.S.C. 922(g).
2. He was initially ordered detained by the Magistrate Judge. On August 22, 2006, this Court allowed defendant's motion to revoke the detention order and released defendant on conditions that included maintenance of his residence his sister Jennis Handy's home at 17 Prospect Ave. in Brockton. Defendant was further ordered to remain at 17 Prospect Ave. except for defined periods during the day when he could stay at his mother's home across the street to assist her. Compliance was ordered to be enforced by electronic monitoring.
3. On September 13, 2006, the Court, on defendant's motion and over the objection of the government, modified the conditions of Handy's release to allow him to live at his mother's home at 18 Prospect St. Handy has remained at his mother's home since the Court's modification.
4. Defendant has been compliant with all of the conditions of his release.
5. Defendant submits that his demonstrated compliance over a substantial period of time - now over seven weeks - in the face of very restrictive conditions shows a level of responsibility that would support increased privileges.

6. Defendant therefore requests that Pretrial Services be granted the discretion to allow defendant discrete and defined periods of time off of electronic monitoring to seek and maintain employment.
7. All other conditions - including the unsecured bond and the assignment of Jennis Handy as third-party custodian and residence at 18 Prospect Ave. - would remain the same.
8. Defendant previously filed this motion prior to a scheduled hearing on October 4, 2006. The government objected to the lack of notice. The Court urged the parties to come to agreement if possible and directed Pretrial Services to investigate Handy's living arrangements and proposed employment opportunities.
9. Pretrial Services Officer Christopher Wylie subsequently visited Handy's home and has spoken directly with Handy and Handy's family members.
10. The government opposes this Motion and requests a hearing.

JOHN HANDY
By His Attorney:

/s/ Timothy G. Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to U.S. Pretrial Services Officer Christopher Wylie by electronic mail, on October 19, 2006.

/s/ Timothy G. Watkins
Timothy G. Watkins